



Rebecca Sutton

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Year of Call: 2004

Rebecca is a civil law barrister specialising in personal injury, clinical negligence, and disease work. She is instructed by both Claimants and Defendants, predominantly in relation to multi-track cases, but also in some cases allocated to the fast track.

Rebecca's route to the Bar was not a conventional one. She successfully completed her law degree on a part-time basis while also working as a musician/music teacher and looking after a young family. She was called to the Bar in 2004. In early 2005 she started working as a fee-earner for a well-respected firm of solicitors, gaining extensive experience of a wide range of personal injury, clinical negligence and disease work. Between 2005 and 2007, while working full-time, she studied for a part-time master's degree in Health Law at Nottingham Law School and was awarded the prize for the best Health Law student. At the same time she also successfully completed the QLTT and became a qualified solicitor in 2007. In 2008 she gained Higher Rights of Audience in all courts. Rebecca transferred to the Bar in early 2010. Although she did not require any period of pupillage, she was initially mentored by Charles Feeny and quickly developed a specialist practice.

Memberships

- Personal Injury Bar Association
- Professional Negligence Bar Association

Appointments

- Assistant Coroner for County Durham and Darlington.

EXPERTISE

Personal Injury

Rebecca undertakes all aspects of personal injury work, including drafting pleadings, advising in conference and in writing, attending JSMs and appearing at all types of hearings, including trials, appeal hearings, application hearings and costs and case management hearings. Although she has particular interest in clinical negligence and disease work, she is also frequently instructed in relation to employers' liability, road traffic, public liability and non-accidental injury cases.

In addition to regularly advising and representing parties in relation to substantive issues, Rebecca also has extensive experience of advising and representing parties in relation to procedural issues; she is often instructed in relation to applications for summary judgment, striking out, relief from sanctions, setting aside default judgment, re-allocation, permission to rely on medical evidence, permission to withdraw admissions and permission to amend pleadings. She also has experience of company insolvency, insofar as it relates to personal injury actions; she has advised and represented clients in relation to retrospective permission to issue against companies in administration and compulsory liquidation, deferral of dissolution, and restoration to the register.

During her time as a solicitor, Rebecca gained an in-depth knowledge and understanding of costs and funding. Since transferring to the Bar, Rebecca has kept up-to-date with costs and funding issues, recognising that this is an important aspect of personal injury litigation, particularly in the post-Jackson era. She regularly appears at CCMCs and has experience of detailed assessments.

Rebecca has also appeared in the CRU Tribunal and the Primary Health Lists Tribunal.

Rebecca enjoys delivering training. She has provided training, on a wide variety of subjects, to both legal and medical professionals, in the form of talks and mock trials.

Rebecca's recent personal injury cases include:

- Representing the Defendant NHS Trust at the trial of an alleged accident at work. The Claimant alleged that she had sustained an injury to her back as a result of moving a patient. The claim failed in relation to both breach of duty and causation.
- Representing the Claimant at a JSM in relation to a road traffic accident in which the Claimant suffered a significant back injury, but was still able to work. The case settled at £387,500.
- Representing the Defendant at a JSM in relation to a road traffic accident in which the Claimant sought total damages of £275,000. The case settled at just over £100,000.
- Representing the Claimant, including at the trial on quantum, in a child sexual abuse case where the Claimant was awarded over £374,000, including an award of aggravated damages of £35,000.

Clinical Negligence

Having specialised in clinical negligence as a solicitor and having studied for a masters degree in Health Law, Rebecca was keen to develop a clinical negligence practice as a barrister. She has been successful in doing so and is now regularly instructed by both Claimants and Defendants in relation to a variety of clinical negligence cases. Her experience includes claims against GPs, private doctors and

other health professionals, as well as against NHS Trusts.

Rebecca's recent clinical negligence cases include:

- Representing the Defendant Trust at a four-day trial in a fatal accident claim. It was alleged that there was a negligent failure to diagnose an aortic dissection in a young mother. The trial involved complex issues on both liability and quantum.
- Representing the Defendant Trust at a two-day trial in relation to a failure to diagnose a scaphoid fracture. Four medical experts attended the trial before a High Court Judge.
- Representing the Defendant Local Health Board (in Wales) in relation to a secondary victim claim brought by the family of a 15-year-old school boy who hanged himself shortly after a meeting at school involving the school nurse (an employee of the Health Board). Rebecca advised upon and drafted an application for summary judgment, which was granted.
- Representing an Orthopaedic Surgeon at a three-day trial arising out of carpal tunnel release surgery. Following Rebecca's cross-examination of the Claimant, the judge found that the Claimant was lying on oath.
- Representing the Defendant Trust in relation to a claim arising out of the admitted failure to remove what should have been a temporary stent from the Claimant's pancreatic duct, which resulted in the Claimant (a young woman) suffering permanent frequent debilitating episodes of pancreatitis, which significantly impacted on her ability to work. The claim was pleaded at around £1.4M and settled shortly after a JSM for £450,000.

Disease

Rebecca's disease work is primarily, but not exclusively, on behalf of Defendants. She has experience of asbestos-related cases, HAVS and NIHL as well as short-tail disease claims, including RSI, dermatitis, and stress.

Rebecca has a particular interest in medical causation in NIHL claims. While such cases are usually of modest value, the complexity of the issues often makes them suitable for allocation to the multi-track, with medical experts giving evidence at trial. Rebecca regularly represents defendants at NIHL trials involving issues of medical causation.

Rebecca's recent disease cases include:

- Successfully representing the Defendant at a trial on limitation in a HAVS claim, despite the Defendant having failed to adduce a "prejudice statement".
- Representing the Defendant in a dermatitis claim in which the medical experts agreed in their joint statement that the Claimant's chronic dermatitis was caused by an incident at work. After Rebecca drafted part 35 questions to the Claimant's medical expert and part 18 questions to the Claimant, the Claimant accepted a modest part 36 offer that had previously been rejected.
- Successfully representing the Defendant at a number of "show cause" hearings in mesothelioma claims.

Inquests

As a solicitor Rebecca gained experience of representing interested persons at inquests. She continues to regularly appear at inquests for a range of interested persons.

Rebecca's recent inquests include:

- Representing an NHS Trust at a six-day inquest into a death in custody, when a prisoner died shortly after attending hospital.
- Representing the wife of the deceased at an eight-day inquest into an accident at work, when a "fettler" was killed by a grinding disc that was not compatible with the grinder being used.
- Representing a Welsh Health Board at a three-day inquest into the death of school boy who hanged himself following a meeting at school at which the school nurse was present.